



**State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-2900 FAX (603) 271-2456



Town of Goffstown  
16 Main Street  
Goffstown, NH 03045

Re: Goffstown Municipal Landfill

**ADMINISTRATIVE ORDER  
No. WMD 03-26**

September 23, 2003

**A. INTRODUCTION**

This Administrative Order is issued by the Department of Environmental Services, Waste Management Division to the Town of Goffstown pursuant to RSA 149-M:15. This Administrative Order is effective upon issuance.

**B. PARTIES**

1. The Department of Environmental Services, Waste Management Division ("DES"), is a duly constituted administrative agency of the State of New Hampshire, having its principal office at 29 Hazen Drive, Concord, NH 03301.
2. The Town of Goffstown ("Town") is a duly-constituted municipality of the State of New Hampshire having a mailing address of 16 Main Street, Goffstown, NH, 03045.

**C. STATEMENTS OF FACTS AND LAW**

1. Pursuant to RSA 149-M, DES regulates the management and disposal of solid waste. Pursuant to RSA 149-M:7, the Commissioner of DES has adopted Env-Wm 100 – 300, 2100 *et seq.* ("Solid Waste Rules") to implement this program.
2. Pursuant to RSA 149-M:9, I, DES regulates the construction, operation, and closure of solid waste landfills through a permit system.
3. The Town owns and previously operated a landfill ("Landfill") on property identified on Goffstown Tax Map 17 as Lot 238. The Landfill was permitted under permit number DES-SW-TP-93-028 ("Permit").
4. In 2001, the Town closed the Landfill by constructing an impermeable synthetic capping system under a Type II Permit Modification of the Permit.
5. Env-Wm 2507 specifies the requirements applicable to closing a landfill and monitoring it post-closure. Specifically, Env-Wm 2507.05(p) requires repairs or remedial actions to be implemented as necessary to assure compliance with the performance standards specified in Env-Wm 2507.04.

6. Env-Wm 2507.04 requires the closure to ensure that the landfill will cease generating leachate and that maximum settlement will be achieved with the capping system intact.
7. On August 5, 2003, DES staff inspected the landfill and observed that the capping system has been damaged by heavy rains to such an extent that the performance of the capping system will be compromised if the cap is not promptly repaired.
8. To date, the Town has not implemented repairs to the cap to assure compliance with Env-Wm 2507.04.

#### **D. DETERMINATION OF VIOLATIONS**

1. The Town has violated Env-Wm 2507.05(p) by failing to implement such repairs to the cap as are necessary to assure compliance with the performance standards set forth in Env-Wm 2507.04.

#### **E. ORDER**

Based on the above findings, DES hereby orders the Town as follows:

1. By November 14, 2003, complete repairs to damaged areas of the landfill and capping system.
2. Send correspondence, data, reports, and other submissions made in connection with this Administrative Order, **other than appeals**, to DES as follows:

Mr. Richard S. Reed, Administrator, Solid Waste Management Bureau  
DES Waste Management Division  
29 Hazen Drive  
Concord, NH 03301-6509  
Fax: (603) 271-2456  
e-mail: rreed@des.state.nh.us

#### **F. APPEAL**

Any person aggrieved by this Order may appeal the Order to the Waste Management Council by filing an appeal that meets the requirements specified in Env-WMC 200 within 30 days of the date of this Order. Copies of the rule are available from the DES Public Information Center at (603) 271-2975 or at <http://www.des.state.nh.us/desadmin.htm>. Appealing the Order does not automatically relieve the Town of the obligation to comply with the Order.

#### **G. OTHER PROVISIONS**

Please note that RSA 149-M provides for administrative fines, civil penalties, and criminal penalties for the violations noted in this Order, as well as for failing to comply with the Order itself. The Town remains obligated to comply with all applicable requirements, in particular

post-closure maintenance and monitoring activities in accordance with the Solid Waste Rules and approved closure design documents. DES will continue to monitor the Town's compliance with applicable requirements and will take appropriate action if additional violations are discovered.

This Order is being recorded in the Hillsborough County Registry of Deeds so as to run with the land.

  
Philip O'Brien, Ph.D., P.E., Director  
Waste Management Division

  
for Michael P. Nolan, Commissioner  
Department of Environmental Services

Certified Mail/RRR: 7000 0600 0023 9934 2108

cc: Gretchen Rule, DES Legal Unit  
Public Information Officer, DES PIP Office  
Jennifer J. Patterson, Sr. Asst. Attorney General, NHDOJ/EPB  
Mr. Carl Quiram, P.E., Public Works Director, Town of Goffstown  
Richard S. Reed, Administrator, SWMB, WMB  
Goffstown Town File/DB